

**Remarks/Arguments:**

The amendments in this response are made to the claims as examined in the Office Action dated October 26, 2006. Amendments herein are made to place the application in condition for allowance, and as such, Applicants respectfully request reconsideration of the application. Claims 1, 5, 6, 8 – 10 and 15 - 16 are pending. Claims 1, 5, 6, 8 – 10 and 15 - 16 stand rejected at present. Claims 12 - 14, were previously withdrawn and canceled.

Claim 1 has been amended to address the typographical error for which the Examiner had raised an objection.

Claims 1, 5, 10, 15 and 16 were rejected under 35 U. S. C. 102(b) as being anticipated US Patent 4,585,482 (Tice). Applicants respectfully traverse. Tice teaches biocidal compositions containing a chlorine dioxide-liberating compound and sufficient organic acid-generating compound to lower the pH of the composition to less than about 7 (col. 2, lines 27 through 30); and, the chlorine dioxide-liberating compound is any compound liberating chlorine dioxide, where the species disclosed are alkali metal chlorites and alkaline earth metal chlorites, such as sodium chlorite and potassium chlorite (col. 2, lines 53 through 62). Applicants present that it is commonly known to those of ordinary skill in the art that while sodium chlorite,  $\text{NaClO}_2$ , can liberate chlorine dioxide to act as a biocidal agent, thus destructive to life, sodium chloride will not liberate chlorine dioxide, thus having no such similar biocidal effect. Hence, Tice does not anticipate the invention as claimed by Applicants.

Claim 15 was alternatively rejected under 35 U. S. C. 103(a) as being unpatentable over Tice. Modifying Tice to substitute sodium chloride in place of sodium chlorite, or any other chloride dioxide liberating compound, would destroy the intended function of Tice. Therefore, claim 15 is patentable over Tice.

In light of the above amendments and remarks, Applicants respectfully request that a timely Notice of Allowance be issued in this case. If the Examiner believes that the

prosecution of the application would be facilitated by a telephone interview, Applicants invite the Examiner to contact the undersigned at 281-285-8606. The Commissioner is authorized to charge any additional required fee, or credit any excess fee paid, to Deposit Account 04-1579 (56.0758).

Respectfully submitted,



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